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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			JELINEK, BRIAN J	
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DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/047,022

Applicant(s)

ITO, TAKEYOSHI

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 6 is/are allowed.  
6) ☒ Claim(s) 1-5 and 7-29 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

The Examiner respectfully submits a response to the amendment received on 11/23/2005 of application no. 10/047,022 filed on 1/17/2002 in which claims 1-29 are currently pending.

***Arguments***

The Applicant's arguments have been fully considered but they are not persuasive. Please refer to the following office action, which clearly sets forth the reasons for non-persuasiveness.

The Applicant argues:

The Examiner did not demonstrate that the moving image capturing cannot occur in a mode other than the voice recording mode.

In response, Okino discloses that moving image capture occurs in both the self-timer mode and the voice recording mode, wherein the audio and video signals are recorded synchronously in the voice recording mode (col. 2, lines 45-53). Specifically, Okino discloses a "first recording means for recording a video signal; and a second recording means for recording an audio signal synchronously with the video signal" (col. 1, lines 45-52).

The Applicant further argues:

Okino specifically states that LED 5 is used to indicate a voice recording mode, NOT a moving image-capturing function.

In response, Okino discloses a "first recording means for recording a video signal; and a second recording means for recording an audio signal synchronously with

the video signal” (col. 1, lines 45-52) and displaying the remaining recordable time or the time elapsed since recording of an audio signal started (col. 1, lines 40-44).

Furthermore, Okino discloses that a recording time setting switch 15 sets a self-timer mode or sets a voice recording time; and LED 5 displays the elapsed time since the self-timer or voice recording started (col. 2, lines 25-32, and 45-53). Consequently, the elapsed time for both the self-timer mode and voice recording mode is displayed by the LED.

The Applicant further argues:

The Examiner did not demonstrate that the image capturing that occurs with the voice recording mode is a moving-image capturing.

In response, Okino discloses recording an audio and video signal (col. 1, lines 14-16). One of ordinary skill in the art would understand video to comprise moving images.

The Applicant further argues:

Even if the image capturing is moving image capturing, the Examiner did not demonstrate that the image capturing stops when the voice recording ends; or that there is a one-to-one relationship with recording of the voice and the recording of a moving picture.

In response, Okino discloses recording “not only a video signal but also an audio signal for a given interval” and that the second recording means records “an audio signal synchronously with the video signal” (col. 1, lines 45-53).

The Applicant further argues:

Claims 12- 14 depend from independent claim 8, which recites, in part “indicating a second function utilizing the indicating device, wherein the second function includes a battery charge processing or a moving image-capturing. In other words, the indicating

device, which is located in the camera, is used to indicate the battery charge processing if the second function includes the battery charge processing.

and further:

The LED 5m is part of the docking station 5, not a part of the camera 6. One of ordinary skill, when presented with Okino and Ohmura, would simply be motivated to provide a docking station with the LED built into the docking station to provide indication of the battery charging operation. One of ordinary skill would not be motivated to alter the indicator LED of the camera itself.

In response, the relevant portion of claim 8 recites "a second function utilizing the indicating device, wherein the second function includes a battery charge processing or a moving image-capturing". For clarification, the Examiner was using Okino to show moving image-capturing. The Examiner was not relying on Okino to teach battery charge processing, as the Applicant suggests.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4, 8-11, 15-20, and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Okino et al. (U.S. Pat. No. 5,214,516).**

Regarding claim 1, Okino discloses a digital camera which has a first function of self-timer image-capturing function (col. 3, lines 53-65, col. 4, lines 15-23, where the

elapsed recording time or remaining recording time is displayed by the LED) and a second function different from the first function (col. 4, lines 15-23; the voice recording mode), the digital camera comprising: an indicating device which is arranged on a front of the digital camera (Fig. 1, element 5, LED), indicates a situation in self-timer image-capturing by at least one of lighting and blinking (col. 3, lines 53-65), and indicates an operation situation of the second function, wherein the second function is a moving image-capturing function (col. 4, lines 15-23; the voice recording mode, wherein audio and video are recorded synchronously, col. 1, lines 45-52).

Regarding claim 2, Okino discloses the indicating device indicates the operation situation of the second function by at least one of lighting, blinking, and emitting colors (col. 3, lines 53-65; col. 4, lines 15-23).

Regarding claim 3, Okino discloses the second function further includes a voice recording function (col. 3, lines 53-65; col. 4, lines 15-23).

Regarding claim 4, Okino discloses the indicating device indicates the operation situation of the second function by at least one of lighting, blinking, and emitting colors (col. 3, lines 53-65; col. 4, lines 15-23).

Regarding claim 8, Okino discloses a method for indicating a plurality of functions of a camera, indicating a first function utilizing an indicating device located in a front of the camera, wherein the first function is a self-timer image-capturing function (col. 3, lines 53-65, col. 4, lines 15-23, where the elapsed recording time or remaining recording time is displayed by the LED); and indicating a second function utilizing the indicating device, wherein the second function includes a moving image-capturing (col. 4, lines 15-

23; the voice recording mode, wherein audio and video are recorded synchronously, col. 1, lines 45-52).

Regarding claim 9, Okino discloses the indicating device is an LED (Fig. 1, element 5).

Regarding claim 10, Okino discloses the step of indicating self-timer image-capturing function includes: operating the indicating device in a continuous manner for a first predetermined period of time when it is determined that a shutter button of the camera is fully depressed (col. 3, lines 43-65, first flash from LED); operating the indicating device in a blinking manner for a second predetermined period of time after the first predetermined period of time has elapsed (col. 3, lines 43-65, LED flashes at five seconds and seven seconds); and operating the indicating device in the continuous manner for a third predetermined period of time after the second predetermined period of time has elapsed (col. 3, lines 43-65, LED remains emitting during the last second of recording).

Regarding claim 11, Okino discloses the second function further includes at least one of communications processing, audio recording, and voice memo processing (col. 3, lines 53-65, col. 4, lines 15-23).

Regarding claim 15, Okino discloses the step of indicating the moving image-capturing function includes: operating the indicating device in a blinking manner when determined that the camera is in a moving image recording mode (col. 3, lines 43-65, the voice recording mode, wherein audio and video are recorded synchronously, col. 1, lines 45-52); and ceasing operation of the indicating device when it is determined that

the camera is no longer in the moving image recording mode (col. 3, lines 61-62) because the LED turns off when recording has finished.

Regarding claim 16, Okino discloses that it is determined that the camera is no longer in the moving image recording mode when a shutter button of the camera is half-depressed or when a predetermined time has passed since a start of the moving image recording mode (col. 3, lines 1-7).

Regarding claim 17, please see the rejection of claim 15.

Regarding claim 18, please see the rejection of claim 16.

Regarding claim 19, please see the rejection of claim 15 and note that the Examiner is interpreting the recording of audio to comprise a voice memo.

Regarding claim 20, Okino discloses it is determined that the camera is no longer in the voice memo mode when a back switch of the camera is on (Fig. 2, element 2) and a predetermined time has passed since a start of the moving image recording mode (col. 3, lines 1-7).

Regarding claim 27, it is inherent that the steps of indicating communications processing, audio recording, and voice memo processing are performed when the digital camera has already been externally turned on because the camera must be on in order to perform data processing operations.

Regarding claim 28, Okino discloses an LED flashes during recording the indicating device is configured to indicate the moving image- capturing function by blinking when the camera is in a moving image recording mode (col. 3, lines 52-65).



Furthermore, it is implicit that the indicator ceases blinking when the camera is no longer in the moving image recording mode, e.g. when the camera is off.

Furthermore, Okino discloses the camera is no longer in the moving image-capturing function when a shutter button of the camera is half-depressed or when a predetermined time has passed since a start of the moving image recording mode since voice recording continues for a time interval (col. 3, lines 43-52) and the audio is synchronous with the video (col. 1, lines 45-51).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 12-14, 21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okino et al. (U.S. Pat. No. 5,214,516) in view of Ohmura et al. (U.S. Pat. App. No. 2003/0011702).**

Regarding claim 12, Okino discloses displaying the battery charge level (col. 5, lines 3-8). Okino does not disclose the step of indicating the battery charge processing function includes: operating the indicating device in a continuous manner until it is determined that the battery is fully charged; and ceasing operation of the indicating device when it is determined that the battery is fully charged.

However, Ohmura discloses an LED for displaying a charging state of a digital camera (Fig. 4, element 5i), wherein the LED blinks in a continuous manner until it is determined that the battery is fully charged (Fig. 7, step 167); and ceasing operation of the indicating device when it is determined that the battery is fully charged (Fig. 7, step S169) because the LED stops blinking and remains illuminated when the battery is fully charged. One of ordinary skill in the art at the time of the invention would have operated the indicating device in a continuous manner until it is determined that the battery is fully charged; and ceasing operation of the indicating device when it is determined that the battery is fully charged in order to display a battery charge state to a user. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have operated the indicating device in a continuous manner until it is determined that the battery is fully charged; and ceasing operation of the indicating device when it is determined that the battery is fully charged in order to display a battery charge state to a user.

Regarding claim 13, Ohmura further discloses the step of indicating the communications processing function includes: operating the indicating device in a blinking manner when it determined that the camera is in communication with an external device (Fig. 6, step S155); operating the indicating device in an intermittent manner when it is determined that the camera may be disconnected from communication with the external device (Fig. 8, step S101) because the LED blinks during transmission and communication may be interrupted by determination of the user at any time during communication; and ceasing operation of the indicating device when

it is determined that the camera is disconnected from communication with the external device because it is clear that when the camera is disconnected, the LED would not be blinking because the camera is no longer transmitting data in the communications mode.

Regarding claim 14, Ohmura discloses the communication processing occurs via IEEE 1394, i.e. firewire (Fig. 5, element 6d). Ohmura does not disclose the communication processing occurs via USB bus. However, Official Notice is given of the equivalence of IEEE 1394, i.e. firewire, and USB for their use in communications between a digital camera and external device, and the selection of any of these known equivalents to perform communications with a digital camera would have been within the level of ordinary skill in the art at the time of the invention. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have performed communication processing via USB because IEEE 1394, i.e. firewire, is a known equivalent to USB for performing communications with a digital camera.

Regarding claim 21, Okino discloses an LED displays a battery charge status. Okino does not disclose the battery charging function takes place when the camera has already been externally turned off.

However, Ohmura discloses charging a camera comprising a rechargeable battery (Fig. 2, docking station 5 and rechargeable battery 6b). One of ordinary skill in the art would have provided a camera comprising a rechargeable battery in order to provide a portable power. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a docking station and rechargeable battery

in order "to prepare for instant use of the digital camera" (par 71). Furthermore, it is inherent in the case where the camera battery has fully discharged, causing the camera to be in a powered off state, that the battery charging function takes place when the camera has already been externally turned off.

Regarding claim 26, Okino does not disclose that the communications processing has priority over the timer image-capturing function.

However, Ohmura discloses a memory LED for indicating to a user that a file is being transferred; and automatically transmitting the images from the camera in response to mounting the camera on a docking station (Fig. 6, S155, par. 71). One of ordinary skill in the art would have automatically transmitting the images from the camera in response to mounting the camera on a docking station so that the camera is prepared for instant use (par. 71). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to given the communications processing priority over the timer image-capturing function so that the camera is prepared for instant use, i.e. memory is freed for a subsequent self-timer image-capture.

**Claims 5, 7, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okino et al. (U.S. Pat. No. 5,214,516), in view of Matsuo (U.S. Pat. No. 6,526,293), and further in view of Ohmura et al. (U.S. Pat. App. No. 2003/0011702).**

Regarding claim 5, Okino discloses a digital camera, wherein: the digital camera has a self-timer image-capturing function (col. 3, lines 53-65; col. 4, lines 15-23); and the digital camera comprises a first indicating device which is arranged on a front of the

digital camera (Fig. 1, element 5), indicates a situation in self-timer image-capturing by at least one of lighting and blinking (col. 3, lines 35-47; col. 4, lines 15-23), and displays the battery charge level (col. 5, lines 3-8). Okino does not disclose the first indicating device indicates a charging situation by the charging function, wherein the charging function is the charging of a battery; and the camera is mounted to a cradle comprising power and communication terminals.

However, Matsuo discloses an electronic device comprising an LED that operates in a "normal" mode and in a charging mode, wherein the LED lights up in a different way in the charging mode than in the normal mode by changing the frequency of blinking or the intensity of light (col. 3, lines 35-47; col. 5, lines 5-13). One of ordinary skill in the art would have provided an LED capable of indicating a normal mode and a charging mode in order to display the charging state of the battery (col. 3, lines 48-54). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have configured the first indicating device to indicate a self-timer mode and the charging of a battery.

In addition, Ohmura discloses a digital camera mounted to a cradle (Fig. 1, element 5); the cradle has a terminal to communicate with an external device carrying out two-way communication (Fig. 2, element 5d, signal connector, IEEE 1394), and a power output terminal (Fig. 2, element 5f, power supply connector) to output a direct voltage source (Fig. 2, element 5e); the digital camera carries out two-way communication with the external device via the cradle (Fig. 5, element 6d); the digital camera has a charging function of charging a battery in the digital camera by the direct

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voltage source input from the power output terminal of the cradle when power of the digital camera is off (Fig. 7, steps S164-S168). One of ordinary skill in the art would have provided a digital camera with a cradle comprising power and communication terminals in order to recharge the camera's batteries and connect the camera to a display (Fig.1, element 2). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a digital camera mounted to a cradle; the cradle has a terminal to communicate with an external device carrying out two-way communication, and a power output terminal to output a direct voltage source; the digital camera carries out two-way communication with the external device via the cradle; the digital camera has a charging function of charging a battery in the digital camera by the direct voltage source input from the power output terminal of the cradle when power of the digital camera is off in order to recharge the camera's batteries and connect the camera to a display.

Regarding claim 7, Okino discloses an LED displaying a self-timer image-capturing function (col. 3, lines 53-65; col. 4, lines 15-23); and the battery charge level (col. 5, lines 3-8). Okino does not disclose that communication with the external device is indicated by the first indicating device when the power of the digital camera is on. However, Ohmura discloses a camera docking stations comprising an LED (Fig. 4, element 5i) that indicates communication (Fig. 6, step S155) and charging (Fig. 7, step S167). Furthermore, Matsuo discloses an electronic device connected to a battery charger, wherein the LED on the electronic device is used to indicate a normal mode and a charging mode. Further still, Matsuo discloses using the LED on the electronic

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device to indicate charging instead of using an LED on the charger, thereby eliminating the necessity of providing a charging LED on the charger (col. 1, lines 44-50). In view of the teaching of Okino, Ohmura, and Matsuo, it is clear that one of ordinary skill in the art would have known to configure the multi-function LED of Okino to indicate communication with the external device in order to display a state of communications (Ohmura: Fig. 6, step S155) while eliminating the necessity of providing an additional LED on the docking station (Matsuo: col. 1, lines 44-50). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have enabled the first indicating device to indicate when the power of the digital camera is on and the camera is communicating data with the external device in order to display a state of communications while eliminating the necessity of providing an additional LED on the docking station.

Regarding claim 22, please see the rejection of claim 21.

Regarding claim 23, it is inherent that the camera must be on in order to carry out the two-way communication with the external device.

Regarding claim 24, Okino broadly teaches using a single LED to indicate multiple camera modes (col. 4, lines 32-38). One of ordinary skill in the art would have used a single LED to indicate multiple camera modes in order to avoid unnecessarily increasing the number of displays (col. 4, lines 32-38). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the first indicating device to indicate an additional mode, such as the two-way

communication with the of the digital camera, in order to avoid unnecessarily increasing the number of displays.

Furthermore, Ohmura discloses a memory LED for indicating to a user that a file is being transferred; and automatically transmitting the images from the camera in response to mounting the camera on a docking station (Fig. 6, S155, par. 71). One of ordinary skill in the art would have automatically transmitting the images from the camera in response to mounting the camera on a docking station so that the camera is prepared for instant use (par. 71). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have configured the first indicating device to give two-way communication has priority over the indication of the self-timer image-capturing function so that the camera is prepared for instant use, i.e. memory is freed for a subsequent self-timer image-capture.

Regarding claim 25, Ohmura further discloses indicating the second function of the battery charge processing is performed when the digital camera has already been externally turned off (Fig. 7, S164-169).

**Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okino et al. (U.S. Pat. No. 5,214,516) in view of Matsuo (U.S. Pat. No. 6,526,293).**

Regarding claim 29, Okino discloses an LED displays a battery charge status. Okino does not disclose the indicating device is configured to indicate the battery charging function by operating in a continuous manner until the battery is fully charged and ceasing operation when the battery is fully charged.



However, Matsuo discloses that during battery charging, an LED is turn on so as to inform a user of charging (col. 1, lines 19-21); and a charge operation mode informs a user of charging by varying the intensity of light. One of ordinary skill in the art would have configured an LED to vary in intensity in order to informs a user of a charging condition. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have operated a battery charging indicator by operating in a continuous manner until the battery is fully charged and ceasing operation when the battery is fully charged in order to inform a user of a charging condition.

#### **Allowable Subject Matter**

##### **Claim 6 is allowed.**

Regarding claim 6, the reason for allowance is as follows: the prior art does not disclose or fairly suggest a digital camera comprising a detecting device, wherein when the detecting device detects mounting to a cradle, the charging situation of the digital camera is indicated by the first indicating device, and when the detecting device detects non-mounting to the cradle, the charging situation of the digital camera is indicated by the second indicating device on the rear of the camera.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached at (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
2/20/2006



NGOC-YEN VU  
PRIMARY EXAMINER